

AO 91 (Rev. 5/85) Criminal Complaint

## United States District Court

STATE AND DISTRICT OF Minnesota

UNITED STATES OF AMERICA

v.

## CRIMINAL COMPLAINT

ERVIN ALLEN ICEMAN, JR.

CASE NUMBER:

10-mj-129 (mkk)

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 4, 2010 in Beltrami county, in the State and District of Minnesota defendant, an Indian, within the exterior boundaries of the Red Lake Indian Reservation, did assault Sherrel Gail Iceman, also an Indian, resulting in serious bodily injury, to wit: by striking Sherrel Gail Iceman about the face an unknown number of times and knocking out one tooth, in violation of Title 18 United States Code, Section(s) 113(a)(6), 1151 and 1153(a).

I further state that I am a(n) FBI Special Agent and that this complaint is based on the following facts:  
Official Title

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

Continued on the attached sheet and made a part hereof:



Yes



No

AUSA - Tricia Tingle

Sworn to before me and subscribed in my presence,

Signature of Complainant

Timothy D. Ball

Special Agent

Federal Bureau of Investigation

Date

Mary Kay Klein

U.S. Magistrate Judge

Name &amp; Title of Judicial Officer

City and State

Signature of Judicial Officer

SCANNED

APR 13 2010

U.S. DISTRICT COURT ST. PAUL

10-m5-129 (mkk)

1 STATE OF MINNESOTA )

2 COUNTY OF BELTRAMI )

ss. AFFIDAVIT OF TIMOTHY D. BALL

3  
4 I, Timothy D. Ball, being duly sworn, being first duly sworn  
5 under oath, depose and state as follows:

6 1. I am a Special Agent (SA) of the Federal Bureau  
7 of Investigation and have been so employed since February of  
8 1997. I am currently assigned to the Bemidji, Minnesota  
9 Resident Agency of the FBI with the primary responsibility of  
10 investigating violent crimes which occur on the Red Lake Indian  
11 Reservation.

12 2. This affidavit is based on my training and  
13 experience, as well as my knowledge and that of other law  
14 enforcement officers involved in this investigation. Further,  
15 this affidavit contains information to support probable cause  
16 but is not intended to convey facts of the entire  
17 investigation.

18 3. This affidavit is made for the purpose of  
19 establishing probable cause in support of a federal arrest  
20 warrant and, therefore, contains only a summary of relevant  
21 facts. Based upon all of the facts and information set forth  
22 in this affidavit, your affiant believes that probable cause  
23 exists to believe that on or about March 4, 2010, ERVIN ALLEN  
24 ICEMAN, JR. (hereafter referred to as ICEMAN), an Indian, age  
25 26, within the exterior boundaries of the Red Lake Indian  
26 Reservation, did assault, SHERREL GAIL ICEMAN, an Indian, age  
27 23, resulting in serious bodily injury, to wit: knocked out one  
28 tooth, with intent to do bodily harm and without just cause or

1 excuse, in violation of Title 18, United States Code, Sections  
2 113(a)(6), 1151 and 1153(a).

3 4. On the morning of March 4, 2010, Red Lake Police  
4 Department Officer Kendall Kingbird was advised of an assault  
5 that had occurred at the residence of ERVIN ALLEN ICEMAN, JR.  
6 and SHERREL GAIL ICEMAN, located in the Back of Town area of  
7 Red Lake, which your affiant knows to be within the exterior  
8 boundaries of the Reservation.

9 5. On March 4, 2010, Officer Kingbird interviewed  
10 SHERREL GAIL ICEMAN at her residence. SHERREL ICEMAN told  
11 Officer Kingbird, that ICEMAN, SHERREL ICEMAN, and several  
12 friends had been drinking at her residence. SHERREL ICEMAN  
13 advised that at approximately 2:00-3:00a.m., SHERREL ICEMAN  
14 told everyone to leave. Once everyone left, ICEMAN became  
15 upset and began shoving SHERREL ICEMAN around. ICEMAN then  
16 began punching SHERREL ICEMAN knocking out one of her front  
17 teeth. SHERREL ICEMAN told Officer Kingbird that ICEMAN then  
18 choked SHERREL ICEMAN until she blacked out. When SHERREL  
19 ICEMAN came to, she found ICEMAN "laid out" on the couch.  
20 SHERREL ICEMAN found her phone and keys in ICEMAN's coat.  
21 SHERREL ICEMAN then ran across the street to her mother's  
22 residence. SHERREL ICEMAN told Officer Kingbird that she  
23 feared for her life and that ICEMAN had a history of physically  
24 assaulting her.


25 6. SHERREL ICEMAN was treated at the Red Lake Indian  
26 Health Services Emergency room. Photographs were taken off  
27 SHERREL ICEMAN depicting severe swelling to her face, both eyes  
28 were swollen shut. SHERREL ICEMAN also sustained petechia

1 hemorrhage of her eyes and behind her ear. There were also  
2 marks around her neck consistent with manual strangulation.

3 7. Your affiant has reviewed the Red Lake Tribal  
4 Enrollment book and found that both ERVIN ALLEN ICEMAN, JR. and  
5 SHERREL GAIL ICEMAN are an enrolled member of the Red Lake Band  
6 of Chippewa Indians.

7 8. Based upon these facts conveyed in this  
8 affidavit, your affiant believes that there is probable cause  
9 to conclude that on or about March 4, 2010, within the special  
10 and exclusive territorial jurisdiction of the United States, to  
11 wit: the Red Lake Indian Reservation, ERVIN ALLEN ICEMAN, JR.  
12 an Indian, did assault SHERREL GAIL ICEMAN, an Indian,  
13 resulting in serious bodily injury, to wit: by striking Sherrel  
14 Gail Iceman about the face an unknown number of times and  
15 knocking out one tooth, with intent to do bodily harm and  
16 without just cause or excuse, in violation of Title 18, United  
17 States Code, Sections 113(a)(6), 1151 and 1153(a).

18 Further your affiant sayeth not.  
19

20   
21 Timothy D. Ball  
22 Special Agent  
Federal Bureau of Investigation  
Bemidji, Minnesota

23 Subscribed and sworn to before me this 8<sup>th</sup> day of April,  
24 2010.

25  
26   
27 Mary Kay Klein  
28 U.S. Magistrate Judge